

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1266

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IN THE SENATE OF THE UNITED STATES

MAY 16 (legislative day, MAY 15), 1995

Received; read twice and referred to the Committee on Energy and Natural  
Resources

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## AN ACT

To provide for the exchange of lands within Admiralty Island  
National Monument, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Greens Creek Land  
5       Exchange Act of 1995”.

1 **SEC. 2. FINDINGS.**

2 The Congress makes the following findings:

3 (1) The Alaska National Interest Lands Con-  
4 servation Act established the Admiralty Island Na-  
5 tional Monument and sections 503 and 504 of that  
6 Act provided special provisions under which the  
7 Greens Creek Claims would be developed. The provi-  
8 sions supplemented the general mining laws under  
9 which these claims were staked.

10 (2) The Kennecott Greens Creek Mining Com-  
11 pany, Inc., currently holds title to the Greens Creek  
12 Claims, and the area surrounding these claims has  
13 further mineral potential which is yet unexplored.

14 (3) Negotiations between the United States  
15 Forest Service and the Kennecott Greens Creek  
16 Mining Company, Inc., have resulted in an agree-  
17 ment by which the area surrounding the Greens  
18 Creek Claims could be explored and developed under  
19 terms and conditions consistent with the protection  
20 of the values of the Admiralty Island National  
21 Monument.

22 (4) The full effectuation of the Agreement, by  
23 its terms, requires the approval and ratification by  
24 Congress.

25 **SEC. 3. DEFINITIONS.**

26 As used in this Act—

1           (1) the term “Agreement” means the document  
2           entitled the “Greens Creek Land Exchange Agree-  
3           ment” executed on December 14, 1994, by the  
4           Under Secretary of Agriculture for Natural Re-  
5           sources and Environment on behalf of the United  
6           States and the Kennecott Greens Creek Mining  
7           Company and Kennecott Corporation;

8           (2) the term “ANILCA” means the Alaska Na-  
9           tional Interest Lands Conservation Act, Public Law  
10          96–487 (94 Stat. 2371);

11          (3) the term “conservation system unit” has  
12          the same meaning as defined in section 102(4) of  
13          ANILCA;

14          (4) the term “Greens Creek Claims” means  
15          those patented mining claims of Kennecott Greens  
16          Creek Mining Company within the Monument recog-  
17          nized pursuant to section 504 of ANILCA;

18          (5) the term “KGCMC” means the Kennecott  
19          Greens Creek Mining Company, Inc., a Delaware  
20          corporation;

21          (6) the term “Monument” means the Admiralty  
22          Island National Monument in the State of Alaska  
23          established by section 503 of ANILCA;

1           (7) the term “Royalty” means Net Island Re-  
2       ceipts Royalty as that latter term is defined in Ex-  
3       hibit C to the Agreement; and

4           (8) the term “Secretary” means the Secretary  
5       of Agriculture.

6       **SEC. 4. RATIFICATION OF THE AGREEMENT.**

7       The Agreement is hereby ratified and confirmed as  
8       to the duties and obligations of the United States and its  
9       agencies, and KGCMC and Kennecott Corporation, as a  
10      matter of Federal law. The agreement may be modified  
11      or amended, without further action by the Congress, upon  
12      written agreement of all parties thereto and with notifica-  
13      tion in writing being made to the appropriate committees  
14      of the Congress.

15      **SEC. 5. IMPLEMENTATION OF THE AGREEMENT.**

16      (a) LAND ACQUISITION.—Without diminishment of  
17      any other land acquisition authority of the Secretary in  
18      Alaska and in furtherance of the purposes of the Agree-  
19      ment, the Secretary is authorized to acquire lands and in-  
20      terests in land within conservation system units in the  
21      Tongass National Forest, and any land or interest in land  
22      so acquired shall be administered by the Secretary as part  
23      of the National Forest System and any conservation sys-  
24      tem unit in which it is located. Priority shall be given to  
25      acquisition of non-Federal lands within the Monument.

1       (b) ACQUISITION FUNDING.—There is hereby estab-  
2       lished in the Treasury of the United States an account  
3       entitled the “Greens Creek Land Exchange Account” into  
4       which shall be deposited the first \$5,000,000 in royalties  
5       received by the United States under part 6 of the Agree-  
6       ment after the distribution of the amounts pursuant to  
7       subsection (c) of this section. Such moneys in the special  
8       account in the Treasury may, to the extent provided in  
9       appropriations Acts, be used for land acquisition pursuant  
10      to subsection (a) of this section.

11      (c) TWENTY-FIVE PERCENT FUND.—All royalties  
12      paid to the United States under the Agreement shall be  
13      subject to the 25 percent distribution provisions of the Act  
14      of May 23, 1908, as amended (16 U.S.C. 500) relating  
15      to payments for roads and schools.

16      (d) MINERAL DEVELOPMENT.—Notwithstanding any  
17      provision of ANILCA to the contrary, the lands and inter-  
18      ests in lands being conveyed to KGCMC pursuant to the  
19      Agreement shall be available for mining and related activi-  
20      ties subject to and in accordance with the terms of the  
21      Agreement and conveyances made thereunder.

22      (e) ADMINISTRATION.—The Secretary of Agriculture  
23      is authorized to implement and administer the rights and  
24      obligations of the Federal Government under the Agree-  
25      ment, including monitoring the Government’s interests re-

1 lating to extralateral rights, collecting royalties, and con-  
2 ducting audits. The Secretary may enter into cooperative  
3 arrangements with other Federal agencies for the per-  
4 formance of any Federal rights or obligations under the  
5 Agreement or this Act.

6 (f) REVERSIONS.—Before reversion to the United  
7 States of KGCMC properties located on Admiralty Island,  
8 KGCMC shall reclaim the surface disturbed in accordance  
9 with an approved plan of operations and applicable laws  
10 and regulations. Upon reversion to the United States of  
11 KGCMC properties located on Admiralty, those properties  
12 located within the Monument shall become part of the  
13 Monument and those properties lying outside the Monu-  
14 ment shall be managed as part of the Tongass National  
15 Forest.

16 (g) SAVINGS PROVISIONS.—Implementation of the  
17 Agreement in accordance with this Act shall not be  
18 deemed a major Federal action significantly affecting the  
19 quality of the human environment, nor shall implementa-  
20 tion require further consideration pursuant to the Na-  
21 tional Historic Preservation Act, title VIII of ANILCA,  
22 or any other law.

23 **SEC. 6. RECISION RIGHTS.**

24 Within 60 days of the enactment of this Act, KGCMC  
25 and Kennecott Corporation shall have a right to rescind

1 all rights under the Agreement and this Act. Recision shall  
2 be effected by a duly authorized resolution of the Board  
3 of Directors of either KGCMC or Kennecott Corporation  
4 and delivered to the Chief of the Forest Service at the  
5 Chief's principal office in Washington, District of Colum-  
6 bia. In the event of a recision, the status quo ante provi-  
7 sions of the Agreement shall apply.

Passed the House of Representatives May 15, 1995.

Attest:

ROBIN H. CARLE,

*Clerk.*